

CLEAN WATER ACT2-E. National Pollutant Discharge Elimination System Permit Termination Decisions

1. **AUTHORITY.** For Clean Water Act National Pollutant Discharge Elimination System permits, the following functions of the regional administrator:
 - a. Where the regional administrator has tentatively decided to terminate a permit under 40 C.F.R. § 122.64(a) other than at the request of the permittee, the authorities to perform the functions of a complainant, to represent the complainant, and to prepare a complaint in NPDES permit termination proceedings under 40 C.F.R. Part 22; and
 - b. Where the entire discharge from a facility has been permanently terminated by elimination of the flow or by connection to a publicly operated treatment works, the authority to provide written notice of termination to the permittee pursuant to 40 C.F.R. §§ 122.64(b) and 124.5(d)(3).
2. **TO WHOM DELEGATED.**
 - a. The authorities in 1.a. to prepare a complaint and to represent the complainant are delegated to the regional counsel.
 - b. The authority in 1.a to perform the functions of a complainant is delegated to the director, Enforcement and Compliance Assurance Division.
 - c. The authority in 1.b. is delegated to the director, Water Division.
3. **LIMITATIONS.**
 - a. The regional administrator retains all authorities in 40 C.F.R. § 122.64 and 40 C.F.R. Part 124 not expressly delegated by paragraph 1, above.
 - b. Consistent with the definition of “director” in 40 C.F.R. § 124.2, this delegation applies only to terminations of permits for which the EPA, rather than a state or tribe, is the permitting authority.
4. **REDELEGATION AUTHORITY.**
 - a. The authorities in 1.a. may be redelegated to the branch chief level, and no further, except that the authority to represent the complainant and prepare a complaint in any part 22 NPDES permit termination proceeding may be redelegated to any agency attorney.
 - b. The authority in 1.b. may not be redelegated.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 C.F.R. Parts 22, 122 and 124.

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- b. Delegation 1-37, Hearings; Delegation 1-38A, Administrative Proceedings;
Delegation 2-B, EPA Administered National Pollutant Discharge Elimination System
Permits; Delegation 2-D, Procedures for Decision making Applicable to EPA
Administered National Pollutant Discharge Elimination System Permits



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Date